

The Legislative Process for HOAs and CAMs

The Legislative Alliance
of Community Associations Institute

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Caveat!

Ideas and Instruction only!

You should request the
assistance of a lawyer for any
client who may need legal representation!

This is not legal advice!

Roadmap

- The Legislative Process
 - Did You Know?
- State vs. Federal Process
- Your Elected Officials at Work!
 - How Do They Get Elected?
 - The House & Senate
 - Fun Facts
 - Checks & Balances
 - Judicial Review
- What if YOU Have an Idea?
 - Talking About Your Issue



How Does it All Work???



The Legislative Process

- In the beginning... The idea for a bill generally originates with an individual or group that has a special interest in the subject.



The Legislative Process

- Involvement in the process is a continuing activity, and goes on throughout the year, even when lawmakers are not in session.
- In addition to the regular legislative session which meets once a year for 60 days, there are many committee meetings and numerous hearings held all throughout the year.



The Legislative Process

- Bills are filed by Representatives and Senators for consideration during the session.
- When a bill is filed, it is referred to several committees to be reviewed by smaller groups of members.



The Legislative Process

- There may be a dozen committees to choose from, each one specializing in bills on a particular topic, such as health, education, judiciary, etc.
- Through the committee process, the bill is discussed and debated and amendments or changes can be added to the bill.

The Legislative Process

- The committee can conduct hearings, solicit testimony and gather additional information if they choose.
- If the committee approves of the bill, they will recommend its passage to the full chamber of the House or Senate.



The Legislative Process

- Bills must go through approval of both the House and Senate separately, and passing in one chamber does not equal passing in the other.



The Legislative Process

- If it does pass in the House or Senate, the bill is then sent to the other chamber, whichever has not yet seen it, where the entire process is repeated again.
- If changes or amendments to the bill are made, the bill has to pass back and forth between the chambers for approval of any amended language.

The Legislative Process

- For it to pass, the House and Senate must approve an identical form of the bill.
- A bill is considered passed when it receives a majority of the votes in that chamber.
- Each bill must be passed by **both** chambers before it can become a law.



The Legislative Process

- If both chambers approve the bill, it goes to the Governor's office for consideration.
- The Governor can sign the bill, allow it to become a law without a signature or veto the bill.
- If the Governor chooses to veto a bill, the Legislature can overturn that decision the next time they meet by a two thirds vote of both chambers.

The Legislative Process

- **If a bill doesn't make it all the way through this process before the end of session, that bill dies and must begin the process anew the next year.**
- A bill can be rejected or “killed” at any point in the process.



Did You Know?

- Only a very small percentage of all bills introduced are passed into law.
- In the 2017 session, State legislators filed 3,052 bills. Only 7.5 percent, or 230 bills, were passed by both the House and Senate chambers.



VETO

State vs. Federal Processes

- Overall, the law-making process is very similar between the two!

Federal Level	State Level
Focus is on national duties, and issues that affect the entire country.	Focus is on statewide duties and issues.
The President is the one who will pass or veto a bill (after passing through both chambers).	The Governor is the one who will pass or veto a bill (after passing through both chambers).

Your Elected Officials at Work!



How Do They Get Elected??

- We elect officials to the two houses of Congress- The House of Representatives and the Senate.
- Both Representatives and Senators are elected directly by the people.
- Both must also live in the particular municipality they are elected to represent.
- They must be over 21 years.



How Do They Get Elected??

- The House has elections every two years, on even numbered years. Each Representative serves a two-year term. Term limits are eight years.
- Senators serve four-year terms and term out after two years, or eight years.

The House and Senate

- Both Representatives and Senators make \$29,697 annually.
- Their schedules can vary quite a bit day-to-day, but days often begin with briefings and introducing bills, followed by committee reviews, meetings, debates, voting on bills, and press events.
- Since there is so much to do, schedules are sometimes planned out in increments as short as 5 minutes!



The House of Representatives

- The House is the larger of Congress's two legislative bodies with 120 members.
- The House has the power to make and pass laws.

The Senate

- The Senate is composed of 40 members—one from each district of 470,000 residents.
- The Senate has the power to create and amend the laws of Florida, subject to the Governor's power to veto.
- Senate can try officials impeached by the House of Representatives, and confirm some executive appointments.

Fun Fact!

- In 2018, 1,747 bills were introduced by lawmakers. Only 196 bills passed.



Checks & Balances

- Checks and balances apply to all branches of the government, and ensure that one branch doesn't have more power than any other branch.
- For example:
 - Legislators introduce a bill. The Governor can veto it.
 - Once a bill is passed, Supreme Court Judges can strike it down.
 - If the Legislator doesn't agree with a Judge's decision, they pass a new law.

What if YOU Have an Idea?



What if YOU Have an Idea?

- When you're advocating for change - whether that means addressing an issue with a community intervention, establishing a new policy, stopping something negative from happening, or changing the way the community thinks and acts - it's not enough to point out what's wrong or could be improved: you have to present better alternatives.

What if YOU Have an Idea?

- You can...
 - Form a committee of like-minded people, and create a proposal to change things.
 - This can be as small as talking to local officials, or as large as proposing a change to federal legislation.
 - Attend rallies and conventions
 - Start up a petition
 - Call or write to your senators and representatives

What if YOU Have an Idea?

Contacting your Senator or Representative:

- You can do this via a letter, a phone call, an email, or an in-person appointment.
- Plan your letter (or call, email, or visit) carefully. Keep to the point and discuss only one issue. Organize your thoughts ahead of time and make notes to help you stay on track.

Talking About Your Issue

- The first step is to put it in writing. Start with an outline that answers the following questions:
 - **What is the problem?** Identify a specific problem that you would like to see solved.
 - **Do you have a solution to this problem?**
 - **Who does this problem affect?**



Talking About Your Issue

– **Who would be opposed to your solution?**

- This is not an essential part of your proposal, but it is helpful to a legislator if you can let them know who is likely to oppose it.

– **Do you have any supporting documentation?**

This can be newspaper articles, letters to the editor, online journals, or discussions on websites that help explain either the scope of your problem or the benefits of your proposed solution.

Talking About Your Issue

- Once you have outlined your proposal, write it up in a format that is easy to read.
- This will make it much easier when you contact your Representative- either by letter, phone, email, or in person.



Talking About Your Issue

- From there your Representative can choose to approve or sponsor the bill, and the process begins!
- While its not likely to be a quick process, you can always check the status of a bill online, and see it's progress!



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